

**ORDINANCE NO. 2000-56-CM**

**AN ORDINANCE AMENDING ALL CHAPTERS and APPENDIX B**

**OF ORDINANCE NO. 97-51-CM**

**BEING THE UNIFIED ZONING ORDINANCE**

**OF TIPPECANOE COUNTY.**

**Be it ordained** by the County Commissioners of Tippecanoe County, Indiana, that Ordinance No. **97-51-CM**, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

**Section 1:** Change **1-10-2**, WORDS AND TERMS DEFINED, of **1-10**, DEFINITIONS, of **CHAPTER 1**, GENERAL PROVISIONS, by revising the definition of **NONCONFORMING LOT**, to read:

**NONCONFORMING LOT.** A *lot* which does not meet the minimum requirements in 4-2 below for *lot area* or 4-3 below for *lot width*, and which otherwise lawfully existed at the time those minimum requirements became effective.

**Section 2:** Change subsection (d) of **4-3-2**, SUBSTANDARD LOTS, of **4-3** LOT AREA AND LOT WIDTH, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read. -

- (d) The legally created *lot* was either recorded in separate ownership or included in a recorded *subdivision* on or before January 2, 1998, the effective date of this ordinance.

**Section 3:** Change subsections (a) and (b)(1) of **5-1-5**, NONCONFORMING LOTS, of 5-1, NONCONFORMING USES, MOBILE HOMES, MOBILE HOME PARKS / MANUFACTURED HOUSING COMMUNITIES, LOTS, STRUCTURES AND SIGNAGE, AND NONCOMPLYING USES, of **CHAPTER 5**, SUPPLEMENTARY REGULATIONS, to read as follows:

- (a) A *nonconforming lot* is a *lot* which does not meet the minimum requirements in 4-2 above for *lot area* or 4-3 above for *lot width*, and which otherwise lawfully existed at the time those minimum requirements became effective.
- (b) A *single-family dwelling* and its customary *accessory buildings* may always be erected on a *nonconforming lot* in any *zone* in which *single-family dwellings* are permitted, if:
  - (1) The legally created *lot* was either recorded in separate ownership or included in a recorded *subdivision* on or before January 2, 1998, the effective date of this ordinance; and

**Section 4:** Change **B-2-1**, GENERAL, of **APPENDIX B**, SUPPLEMENTAL REQUIREMENTS OF PLANNED DEVELOPMENT SUBMISSIONS, to read:

When a petitioner files Final Detailed Plans under 2-26-10 above that include developer-installed public improvements as part of the planned development, his/her submission shall include a full set of Construction Plans for those improvements. These shall be prepared by a Registered Engineer or a Registered Land Surveyor. (By state statute, a Registered Land Surveyor cannot prepare and sign any parts of Construction Plans involving a water utility, a lift station or any other kind of pressurized situation.) Plans shall be drawn at a convenient scale not more than 50' to the inch. These include: public improvements intended to be accepted for public maintenance; public improvements not intended to be accepted for public maintenance consisting of plans that require approval by a public agency; and any sanitary sewer and water systems owned by a private utility company. If more than one sheet is used, all sheets shall be numbered in sequence. All sheets shall measure 24" x 36". The petitioner may phase construction plans to match phases in the approved PD, but should the *APC* require it, amenities located in other phases shall be made part of these Construction Plans as well.

**Section 5:** Change subsections 0) and (k), of **B-2-2**, FEATURES OF PD CONSTRUCTION PLANS, of **APPENDIX B**, SUPPLEMENTAL REQUIREMENTS OF PLANNED DEVELOPMENT SUBMISSIONS, to read:

- (j) an Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 approved by the Tippecanoe County Soil and Water Conservation District;
- (k) a storm water management (drainage) plan approved by the appropriate drainage board or jurisdictional engineer;

and reletter current subsections (k) and (l) as (l) and (m) respectively.

**Section 6:** Change **1-10-2**, WORDS AND TERMS DEFINED, of 1-10, DEFINITIONS, of **CHAPTER 1**, GENERAL PROVISIONS, by revising the definition of **USE VARIANCE**, to read:

**USE VARIANCE.** The approval of a *primary use* other than that prescribed by the zoning ordinance for that *zone*, such as *density* capped in another *zone*, the granting of which is prohibited by law.

**Section 7:** Change **2-9-4**, MAXIMUM DENSITY OF MULTI-FAMILY DWELLING UNITS PER ACRE, of **2-9**, R3U, of **CHAPTER 2**, ZONE REGULATIONS, by adding to the end:

Higher *density* requires rezoning to R3.

**Section 8:** Change **2-10-4**, MAXIMUM DENSITY OF MULTI-FAMILY DWELLING UNITS PER ACRE, of 2-10, R3W, of **CHAPTER 2**, ZONE REGULATIONS, by adding to the end:

Higher *density* requires rezoning to R4W.

**Section 9:** Change **3-2-1** RESIDENTIAL USES, of **3-2** PERMITTED USE TABLE, of **CHAPTER 3** PERMITTED USE TABLE, by adding a superscript "56" to the "P"s for "multi-family dwellings" and "shared housing" in R3U and R3W zones, and by adding this footnote:

- 56 R3U and R3W *zones* are subject to *density* caps. These can be found in subsections 2-9-4 and 2-10-4 respectively. A *density* higher than the caps permit would constitute a *use variance*, prohibited by law. Recourse is to seek rezoning to R3 and R4W respectively, which are uncapped.

**Section 10:** Change subsection (c) of **4-5-1** EXCEPTIONS, of **4-5** HEIGHT, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (c) In any *zone*, except R3W and R4W, and as precluded by 5-3-4 below, a *building* may be erected to a height in excess of the limits shown in the table in 4-2-1 above, if its *setbacks* exceed minimum requirements: 2' of additional height for each 1' of additional *setback* over the minimum requirement on all sides.

**Section 11:** Change subsection (c) of **6-4-5**, VARIANCES, of **6-4**, BOARDS OF ZONING APPEALS, of **CHAPTER 6**, ADMINISTRATION, to read as follows:

- (c) The **ABZA** or **ABZA-LD** may grant a *variance* from the *Zone Regulations* and *Additional Use Restrictions* in Chapters 2 and 4 above (except subsections 2-9-4 and 2-10-4, the R3U and R3W *density caps*; 2-10-11 and 2-11 -11, the R3W and R4W maximum *building height*, 2-26, *Flood Plain Zones*; and 2-27 *Planned Development Zones*) if, after a public hearing, it makes findings of facts in writing, that:

**Section 12:** Change subsection **2-19-5**, MINIMUM LOT WIDTH of 2-19, CBW, of **CHAPTER 2**, ZONE REGULATIONS, to read:

**MINIMUM LOT WIDTH:** none  
See 4-3 for additional information

**Section 13:** Change CBW line in **4-2-1** SUMMARY OF STANDARD AREA, WIDTH, COVERAGE, AND HEIGHT REQUIREMENTS, of **4-2** STANDARD DIMENSIONAL REQUIREMENTS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:



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Robert A. Plantenga, Auditor